

## **DEPARTMENT OF FOOD AND AGRICULTURE**

### **INITIAL STATEMENT OF REASONS**

**Hearing Date:** No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture no later than 15 days prior to the close of the written comment period.

**Subject Matter of**

**Proposed Regulations:** Poultry Meat Inspections  
Poultry Meat Inspector Application/Licensure  
Importation of Poultry into California

**Sections Affected:** Various sections of Subchapter 1 of Chapter 5, Division 2

**Specific Purpose of Each Adoption, Amendment, or Repeal**

Existing law, Food and Agricultural Code sections 19240, 19241, 19242, 19260, 19261, 19262, 19280, 19281 and 19282 specify the requirements for pet food slaughterers, pet food processors, and pet food importers. Food and Agricultural Code sections 19501, 19501.5, 19502 and 19503 specify the requirements for the slaughter of poultry. Food and Agricultural Code Division 12, Part 1 (Chapters 1, 2, and 3), Part 2 (Chapters 1, 2, 3, 4, 5, and 6), and Part 3 (Chapters 1, 2, 3, 4, 5, and 6) specify the requirements for poultry meat inspections.

The inspection and licensing of poultry meat establishments are exempt from mandatory inspection by the Food Safety and Inspection Service of the United States Department of Agriculture (USDA), but require inspection in California by the Department of Food and Agriculture (Department).

To implement the above-noted sections of law, the Department has in place existing regulations under Articles 1 through 28 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations. The regulations set forth the requirements for the inspection and licensure of poultry plants and the application and licensure of Licensed Poultry Meat Inspectors.

This proposal amends various sections of Articles 1 through 28 of Subchapter 1, Chapter 5, Division 2, of Title 3 of the California Code of Regulations. It codifies existing requirements for application and licensure of poultry meat inspectors, and poultry inspection, slaughter, processing, and importation. The Department also incorporates by reference specified portions of the Code of Federal Regulations (CFR), the California Building Code, and specified forms and documents utilized or developed by the Department. This proposal also includes updated industry and Departmental terminology for consistency and clarity purposes.

## **Factual Basis**

The Animal Health and Food Safety Services Division of the Department of Food and Agriculture (Department), is comprised of five branches: Animal Health; Meat and Poultry Inspection; Milk and Dairy Foods Control; Livestock Identification; and the Veterinary Diagnostic Laboratory System.

This proposal pertains to the Meat and Poultry Inspection Branch of the Department, specifically, the requirements for the slaughter and processing of poultry. The poultry establishments that are exempt from USDA inspection, yet require state inspection, are as follows:

*Pet food slaughterers:* Slaughter and prepare cattle, goats, sheep, swine, poultry, equines or other large domesticated animals for consumption for pet food purposes.

*Poultry plants:* Slaughter species not subject to USDA inspection, such as, rabbit, quail, partridge, and other domesticated fowl; poultry plants (non-retail) that slaughter or process less than 20,000 turkeys, chickens, ducks, geese, ostrich, emu, squab, and guineas a year.

*Renderers:* Process animal tissue into inedible industrial fats, oils, and other products.

*Pet food importers:* Transport into California fresh or frozen raw meat, horsemeat, poultry or by-products for pet food.

In formulating this proposal, the Department has adopted requirements consistent with the rules, regulations, and standards of the USDA, to the extent practicable and allowable by law, pursuant to sections 19502, 24561 and 24562 of the Food and Agricultural Code, which state:

*"Section 19502. The regulations adopted under this chapter shall conform as far as possible to the regulations of the United States Department of Agriculture governing methods of slaughtering."*

*"Section 24561. Notwithstanding any provision of law to the contrary, the director may adopt by regulation standards and requirements equal to those of the Poultry Products Inspection Act (71 Stat. 441, 21 U.S.C. 451, et seq. as amended by the Wholesome Poultry Products Act, Pub. Law 90-492), including, but not limited to, standards and requirements of inspection, sanitation, reinspection, preparation, processing, buying, selling, transporting, storing, identification, recordkeeping, registration, and labeling. The regulations shall not be less restrictive than state statutory requirements. The director may enter into cooperative agreements with departments, divisions, bureaus, boards, or commissions of the United States to enforce such standards and requirements in this state."*

*"Section 24562. Regulations adopted pursuant to this article or pursuant to Section 24681 or Section 24991 shall conform, as far as practicable, to the rules, regulations and standards of the United States Department of Agriculture which govern the inspection, preparation and processing of poultry meat and poultry meat food products."*

Pursuant to sections 19502, 24561 and 24562, the Department is basing this proposal on specified portions of 9 CFR (2007) and 40 CFR (2007) with such changes, if any, as specified in this proposal, where the requirements apply to state operations and transactions for poultry inspection.

The justification, factual basis, and rationale for each adoption, amendment and repeal of specified sections and articles under Subchapter 1, Chapter 5, Division 2, of Title 3 of the California Code of Regulations, are as follows:

**Article 1. Definitions:** No changes are proposed to the heading.

**Section 1200. Definitions:** This section specifies the terms used throughout Subchapter 1 of Chapter 5, of Division 2. It is amended to change formatting, terminology, grammatical, numbering, and citations for clarity purposes, such as, correcting the Department's name, and adding the term official "establishment" because it is a term consistent with federal regulations and it is interchangeable with the term "plant" as used in the industry. This section also clarifies the industry terms used in California for poultry inspection. The terms and definitions used throughout this subchapter are consistent with the terms used in the meat and poultry industries, and are consistent with existing veterinary medical practices and terminology. This section also incorporates by reference the National Primary Drinking Water Standards, 9 CFR Part 141 et seq., (2007), and updates the *Note* portion of this section in compliance with Government Code section 11349.1.

**Article 2. Applicability of Regulations:** No changes are proposed to the heading.

**Section 1201. Applicability of Regulations:** The Department is adding the *Note* portion to this section to specify the authority and reference citations pursuant to Government Code section 11349.1.

**Article 3. Scope of Inspection:** No changes are proposed to the heading.

**Section 1202. Scope of Inspection:** No changes are proposed to the heading.

**Subsection (a):** The Department is deleting outdated code references and replacing them with statutory authority citations that pertain to the processing plants and products that are subject to state inspection.

**Subsection (b):** No changes are proposed to the text.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations pursuant to Government Code section 11349.1.

**Article 4. Organization of Force:** The Department is repealing the article heading as it is no longer necessary.

**Section 1203. Appointments: Promotions:** The Department is repealing this section as it is no longer necessary and it contains outdated information.

**Article 4. Application for Poultry Plant License:** The Department is amending Article 4 to read Article 5.

**Section 1204. Licensing: Poultry Plant:** No changes are proposed to the heading.

**Subsection (a):** This subsection updates terminology by changing the word "director" to read "Department".

**Subsection (b):** This subsection updates the Department's name and corrects the address format.

**Subsection (c):** This subsection codifies the requirement, for clarity purposes, that the Department must reassess poultry establishments that have a change in ownership or location. The Department believes this requirement is necessary for the continued safe and sanitary operation of a poultry establishment.

**Subsection (d):** This subsection incorporates by reference MPI Form 79-003A (Rev. 12/04), Poultry Plant License Application. The Department has utilized this form for many years and is now including it in regulation pursuant to Government Code section 11340.5. This form is supplied to each applicant for licensure upon request.

**Subsection (e):** This subsection incorporates by reference MPI Form 79-025 (Rev. 12/04), Request for Survey for Meat and Poultry Inspection. The Department is including this form in regulation pursuant to Government Code section 11340.5. It is available to the public upon request. This section also codifies the requirement that if a poultry establishment changes ownership or is remodeled, MPI Form 79-025 is needed.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1205. Approval: Plans, Information to Be Furnished, Subsidiary Plants. Notice of Approval and Granting of License:** No changes to the heading.

**Subsection (a):** No changes are proposed to the existing text.

**Subsection (b):** This subsection is added to incorporate by reference MPI Form 79-039 (Est. 4/05), General Facility Notes. This form is in use by the Department and is now adding it to the regulations pursuant to Government Code section 11340.5. It is provided to the public upon request for a person to applying for licensure of a

poultry plant, and adds the term "establishment" for consistency with federal regulatory terminology.

**Subsection (c):** Subsection (c) designation is added for clarity purposes. The Department is also correcting the title of the Department of Health Services and making grammatical changes.

**Subsection (d):** Subsection (d) designation is added for clarity purposes. The Department is adding its title and incorporating by reference the Poultry Plant Establishment Plan Guidelines (Rev. 5/05) and the Poultry Plant Construction and Equipment Guidelines (Rev. 5/05). The guidelines are in use by the Department and they are being added to the regulations pursuant to Government Code section 11340.5.

**Subsection (e):** Subsection (b) is re-lettered to subsection (e), and no changes have been made to the existing text.

**Subsection (f):** Subsection (c) is re-lettered to subsection (f), and no changes have been made to the existing text.

**Subsection (g):** This subsection is added to require each applicant for a plant establishment license to submit to the Department written acknowledgement, such as a use permit, from the zoning authority where the establishment will be in operation. There are various permits and requirements of local county authorities, and the Department's regulations cannot conflict with any local ordinances. Therefore, the Department is placing the responsibility upon the applicant to obtain any required permit, or other written acknowledgment, that the poultry plant is permitted to operate in a specified location.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 6. Official Numbers and Compliance with Regulations:** The Department is renumbering the heading of Article 6 to read Article 5.

**Section 1206. Official Numbers: Subsidiary Plants:** No changes to the heading.

**Subsections (a), (b), (c):** No changes to the text.

**Subsection (d):** The Department is adding the word "establishment" as it may be used instead of the word "plant", yet they are interchangeable. This section also changes the term "chief of the bureau" to read "Department" for clarity and consistency purposes throughout this proposal.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1207. Drawings and Specifications to be Furnished in Advance of Construction:** The Department is amending the heading to clarify that drawings and specifications are to be "submitted" instead of "furnished" to the Department in advance of the construction of a poultry slaughter and processing plant. The Department is also added the word "establishment" for consistency with federal regulatory terminology, and corrects the Department's name.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1208. Compliance with Regulations:** No changes are proposed to the heading.

**Subsection (a):** The Department is changing "chief of the bureau" to read "Department" for consistency purposes throughout this proposal.

**Subsection (b):** The Department is changing the word "bureau" to read "Department" for consistency purposes throughout this proposal.

**Subsection (c):** The Department is changing the word "bureau" to read "Department" for consistency purposes throughout this proposal.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 7. Buildings and Plant Facilities:** The Department is renumbering the heading of Article 7 to read Article 6.

**Section 1209. Construction of Buildings:** The Department is amending the heading to read "Facilities for Department Inspectors" to accurately describe the contents of this section.

**Section 1209:** The former section has been repealed. The Department is adopting a new section to specify the office space requirements for an inspector to conduct his or her work at an official establishment. This section was based on 9 CFR sections 307.1 and 381.36 (2007), as the Department requires less than what is required by the USDA inspectors.

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1209.1. Other Facilities and Conditions Provided by Official Establishments:** The Department is adopting a new section to describe the requirements for the facilities that are to be supplied by each official establishment.

**Subsection (a):** This subsection was based on 9 CFR section 307.2 (first paragraph) (2007), changing the federal terms to terms used in California by the Department. This section specifies the needed facilities and conditions for an inspector to conduct his or her work at an official establishment.

**Subsection (a)(1):** This subsection was based on 9 CFR section 307.2(b) (2007), making minor wording changes.

**Subsection (a)(2):** This subsection is added because the Department has specific lighting requirements for an inspector to conduct the examinations. There must be illumination at a height of at least 30 inches off the floor in all rooms where poultry are processed.

**Subsection (a)(3):** This subsection was based on 9 CFR section 307.2(m)(2) (2007) except the requirements for this proposal pertain to the processing of poultry. There must be illumination at a height of at least 50 inches at the inspection surfaces. This is necessary to provide the inspector with sufficient lighting to prevent errors in slaughter, dressing, and processing that might result in product adulteration.

**Subsection (a)(4):** This subsection is added to require all other rooms in an official establishment to have illumination at a height of at least 5 feet when measured at a distance of 30 inches from the floor. Again, such requirements are necessary to provide the inspector with sufficient lighting to conduct inspections.

**Subsection (a)(5):** This subsection was based on 9 CFR section 307.2(d) (2007) changing federal terms to California terminology.

**Subsection (a)(6):** This subsection was based on 9 CFR section 307.2(e) (2007) changing federal terms to California terminology.

**Subsection (a)(7):** This subsection was based on 9 CFR section 307.2(m)(3) (2007) however the requirements for handwashing facilities pertain to poultry establishments for purposes of this proposal.

**Subsection (a)(8):** This section was based upon 9 CFR section 307.2(f) (2007), with only minor wording changes.

**Subsection (a)(9):** This subsection is needed to specify that all facilities and denaturing materials used for the disposal of condemned articles shall be in accordance with the regulations of this subchapter.

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1210. Construction and Use of Poultry Processing Plants;**  
**Section 1211. Floors, Walls, Ceilings, Etc.;**  
**Section 1212. Blood Disposal;**  
**Section 1213. Draining and Plumbing;**  
**Section 1214. Water Supply;**  
**Section 1215. Sanitary Facilities and Accommodations: Specific Requirements;**  
**Section 1216. Lighting and Ventilation;**  
**Section 1217. Equipment and Utensils to Be Easily Cleaned: Those for Inedible Product to Be Marked;**  
**Section 1218. Accessibility;**  
**Section 1219. Restrictions on Use.**

The Department is repealing sections 1210 through 1219 as they contain outdated requirements for poultry establishments. Updated requirements are included under new Article 7, as adopted, in this proposal.

**Article 8. Maintenance of Sanitary Conditions and Precautions Against Contamination of Products;**  
**Section 1220. Cleaning of Rooms and Compartments;**  
**Section 1221. Cleaning of Equipment and Utensils.**

The Department is repealing Article 8 and sections 1220 and 1221 as they contain outdated requirements for poultry establishments. Updated requirements are included under new Article 7, as adopted, in this proposal.

**Article 7. Sanitation:** The Department is adopting a new Article 7 to specify the requirements for sanitation at official establishments.

**Section 1210. Construction of Buildings; General Rules:** The Department is adopting a new section to specify the requirements for the construction of poultry plants.

**Subsection (a):** The Department is incorporating by reference the building standards for meat and poultry processing plants under the 2007 California Building Code, Title 24, Part 2, Volume 1, Sections 1240, 1241, 1242, and 1243.

**Subsection (b):** This section is necessary to clarify that each official establishment must be operated and maintained to prevent insanitary conditions in accordance with 9 CFR section 416.1 (2007), which is incorporated by reference.

**Subsection (c):** This section is necessary to specify that each official must have in place a Plant Improvement Program. The Department has in place a document to identify and record deficiencies in the plant facilities or equipment. The form is used for plant deficiencies that do not present any immediate threat to product wholesomeness. The document used to record such deficiencies is described in subsections (c)(1), (2) and (3) below.

**Subsection (c)(1):** The Department is incorporating by reference MPI Form 79-032 (Rev. 12/04), Plant Improvement Program. The form is used by state inspectors to



record any deficiencies found in the plant that do not pose an immediate threat to product wholesomeness, but require attention by the employees and management of the plant.

**Subsection (c)(2):** This section specifies that a responsible establishment official is to initial the Plant Improvement Program form to acknowledge the deficiency and the date agreed upon to correct the deficiency.

**Subsection (c)(3):** This section specifies that if the establishment fails to remedy the deficiency by the due date indicated, shall result in the room or equipment be tagged by a state inspector to prevent its further use until the deficiency is remedied. This requirement is needed to ensure prompt attention to the deficiency indicated by the state inspector.

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1211. Official Establishment Grounds and Facilities:** The Department is incorporating by reference 9 CFR section 416.2 (2007) and 40 CFR sections 141.1, 141.2, 141.3, 141.4, 141.5, 141.6, 141.11, 141.13, 141.21, 141.22 and 141.23 (2007).

**Section 1212. Equipment and Utensils.** The Department is incorporating by reference 9 CFR section 416.3 (2007).

**Section 1213. Sanitary Operations.** The Department is incorporating by reference 9 CFR section 416.4 (2007).

**Section 1214. Employee Hygiene.** The Department is incorporating by reference 9 CFR section 416.5 (2007).

**Section 1215. Sanitation Standard Operating Procedures - General Rules:** The Department is specifying that each official establishment shall develop, implement and maintain written Sanitation Standard Operating Procedures (Sanitation SOP's) in accordance with the requirements of this article (Article 7, Sanitation).

**Section 1216. Development of Sanitation SOP's:** The Department is incorporating by reference 9 CFR section 416.12 (2007). The Department is also specifying an effective date as on or before January 1, 2009, to allow each official poultry establishment adequate time to adopt Sanitation Standard Operating Procedures.

**Section 1217. Implementation of Sanitation SOP's:** The Department is incorporating by reference 9 CFR section 416.13 (2007).

**Section 1218. Maintenance of Sanitation SOP's:** The Department is incorporating by reference 9 CFR section 416.14 (2007).

**Section 1219. Corrective Actions:** The Department is incorporating by reference 9 CFR section 416.15 (2007).

**Section 1220. Recordkeeping Requirements:** The Department is incorporating by reference 9 CFR section 416.16 (2007).

**Section 1221. Department Verification:** The Department is incorporating by reference 9 CFR section 416.17 (2007), making only minor changes to apply to state operations.

**Section 1224. Vermin and Pets Excluded from Plant;**

**Section 1225. Use of Compounds;**

**Section 1226. Employment of Diseased Persons;**

**Section 1227. Inedible Operating and Storage Rooms: Outer Premises, Docks, Approaches, etc., Fly Breeding Material: Nuisances;**

**Section 1228. Used Tubs, Barrels, and Other Containers: Inspection and Cleaning;**

**Section 1229. Dead Poultry Carcasses.**

The Department is repealing sections 1224 through 1229 as they are no longer necessary. The requirements are inclusive under Article 7 (Sanitation) and Article 8 (Operations and Procedures), as adopted in this proposal.

**Article 8. Operations and Procedures:** The Department is adopting new Article 8 to specify the requirements for the operations and procedures at official establishments.

**Section 1222. Operations and Procedures to Be Clean and Sanitary:** No changes to this heading.

**Subsection (a):** The Department is deleting sanitation requirements as they are inclusive under Article 7 (Sanitation) of this proposal. This subsection is amended to clarify that live poultry and edible products shall be kept separately from inedible products. This requirement is to prevent any potential cross-contamination between edible and inedible products.

**Subsection (b):** The Department is deleting sanitation requirements as they are inclusive under Article 7 (Sanitation) of this proposal. The Department is amending this subsection to clarify the procedures or operations that are to be performed in separate rooms according to plant construction requirements of section 1209 of this proposal. This requirement is necessary to prevent any potential contamination or adulteration of the poultry meat food products.

**Subsection (c):** The Department is deleting sanitation requirements as they are inclusive under Article 7 (Sanitation) of this proposal. The Department is amending this subsection to clarify that live poultry is to be kept in a separate room from where poultry is slaughtered and processed. This requirement is necessary to prevent any potential contamination or adulteration of the poultry meat food products.

**Subsection (d):** The Department is amending this subsection to specify that poultry must be slaughtered in accordance with good commercial practices, and that blood must be confined to a relatively small area. This subsection was based on 9 CFR section 381.65(2007), and "good commercial practices" is a term of art used in federal regulations.

**Subsection (e):** This subsection contains nonsubstantive grammatical and technical changes for clarity purposes.

**Subsection (f):** No changes are proposed to this subsection.

**Subsection (g):** No changes are proposed to this subsection.

**Subsection (h):** The Department is deleting sanitation requirements as they are inclusive under Article 7 (Sanitation) of this proposal. The Department is amending this subsection to clarify eviscerating procedures and operations. Potable water must be available for washing carcasses at official establishments. Potable water means water that has been approved by the California Department of Health Services as safe for drinking and suitable for food processing.

**Subsection (i):** The Department is deleting sanitation requirements as they are inclusive under Article 7 (Sanitation) of this proposal. The Department is clarifying this subsection to ensure that the official establishment has water running freely from the carcass to ensure sanitary procedures and processing of the poultry. This subsection was based on 9 CFR section 381.65(d).

**Subsection (j):** This subsection is stricken as it is inclusive under Article 7 (Sanitation) of this proposal.

**Subsection (k):** This subsection is relettered to "j" and clarifies that eviscerating material shall be removed from the processing area to prevent unsanitary conditions.

**Subsection (l):** This subsection is stricken and included under new section 1223(l) below.

**Subsection (m):** This subsection is stricken as it is inclusive under Article 7 (Sanitation) of this proposal.

**Subsection (n):** This subsection is relettered to "k" and contains no changes to the text.

**Subsection (l):** This subsection is added to specify the inspection criteria of all tubs, barrels, and boxes intended for use as containers of any poultry meat or product to ensure product wholesomeness.

**Subsection (m)(1) and (2):** these subsections were added to clarify the handling of dead poultry carcasses at official establishments. It was based on 9 CFR section 381.194 (2007).

**Subsection (n):** This subsection is added to clarify the handling of products contaminated with polluted water. It was based on 9 CFR section 381.151(a), however, the Department requires that if the products contaminated were edible products, they shall be condemned.

**Subsection (o):** The Department is striking references to the removal of refuse and replacing it with the requirements for processing rabbits at official establishments. Federal regulations provide for a voluntary inspection program (e.g., 9 CFR section 354.160). The Department is repealing the regulations that separate the requirements for rabbits (under existing Article 10, Sanitation Regulations Applicable to Rabbits Only) and including them under the appropriate new sections and articles in this proposal. The ante-mortem requirements for rabbits are moved from section 1231 and placed here in section 1222(o) as adopted.

**Subsection (p):** The Department is striking references to sanitation, as the requirements are in Article 7 of this proposal. The Department is adding requirements for the handling of poultry carcasses that visible fecal material. The carcasses shall be cleaned and sanitized and reinspected by a state inspector to ensure the poultry carcass is not contaminated. This section was based on 9 CFR section 381.65(e) (2007).

**Subsection (q):** The Department is striking references to sanitation as the requirements are included under Article 7 of this proposal. The USDA does not address cooling and holding of poultry products. The Department is adding a requirement for the defrosting of poultry to ensure the product does not become contaminated during this process.

**Subsection (r):** The Department is striking references to sanitation as they are included under Article 7 of this proposal. The USDA does not address cooling and holding of poultry products. The Department is adding a requirement for thawing read-to-cook poultry to place the responsibility on the establishment to ensure the product does not become adulterated or to have net weight gain of the poultry to prevent fraudulent misrepresentation of the product weight on labels.

**Subsection (s), (t), (u), and (v):** The Department is striking references to sanitation as they are included under Article 7 of this proposal.

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1222.1. Moisture Absorption and Retention:** The Department is adopting requirements for the processing of poultry to specify the maximum moisture absorption and retention limits.

**Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k):** The requirements of this section were based, in part, on 9 CFR section 318.66 (2007). However, federal regulations include requirements that the products be produced under Hazard Analysis and Critical Control Point (HACCP) plans. USDA inspected plants must prove pathogen lethality and stabilization for these products, which is beyond the reasonable capabilities of Department-licensed and inspected custom poultry meat processing establishments. Custom poultry meat processing establishments are not required to have HACCP plans in California.

The retained water requirements in the processing of poultry products requires that official establishments produce those products with either no retained water or only the amount of water that is an unavoidable consequence of the process to meet food safety standards. The primary purpose is to set forth the percentage of retained water and the time/temperature requirements for chilling to ensure product quality, testing the product for pathogen reduction, and minimize the retention of water in the final product.

Also, since each official establishment may be unique in its design and the characteristics of its operations, the Department will consider alternative washing, chilling and draining methods proposed by the establishment. The criteria to evaluate any alternative methods are specified in subsection (i).

**Section 1223 is renumbered to 1222.2. Temperatures and Cooling and Freezing Procedures:** This section contains terminology and grammatical changes for clarity purposes. The Department is also adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1223.1 is renumbered to 1222.3. Exception to Chilling Requirements.** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1222.4. Temperatures and Procedures for Cooling and Freezing Rabbits.** The Department is deleting and moving its sanitation regulations applicable to rabbits under existing Article 10, section 1230, to new section 1223.4. The text and requirements are a duplicate of former section 1230, excluding 1230(a), which was moved to section 1222 (renumbered in this proposal to 1223). The times, temperatures and procedures outlined in this section are necessary to ensure that no contamination of the product occurs.

## **Article 9. Products and Equipment Contaminated By Polluted Water.**

### **Section 1230. Products Contaminated by Polluted Water: Procedure for Handling.**

The Department is repealing this article and section because it is no longer necessary. The requirements for handling polluted water are found in existing section 1222, which is renumbered in this proposal to 1223. The requirements are in subsection (n).

**Article 10. Sanitation Requirements Applicable To Rabbits Only.**  
**Section 1231. Processing, Chilling and Freezing.**

The Department is repealing this article and section, as it is no longer necessary. The requirements have been moved to section 1222 and to new section 1222.4 of this proposal.

**Article 11. Application for Examination and Poultry Meat Inspector License:** The Department is renumbering Article 11 to read Article 9.

**Section 1235. Licensing Poultry Meat Inspectors.**

**Subsections (a) and (b):** These subsections contain wording changes for clarity purposes.

**Subsections (c)(1) through (5):** No changes are proposed to these subsections.

**Subsection (d):** The Department is incorporating by reference its Poultry Meat Inspector License Application (Rev. 12/04) and adding a wording change for clarity purposes.

**Subsection (e):** The Department is adding this subsection to provide instructions to applicants applying for licensure. This subsection also incorporates by reference the Poultry Meat Inspector Training Manual (10/95 Edition).

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 12. Compliance with Law [sic] and Regulations:** The Department is renumbering this article to Article 10 and correcting a typographical error to read "laws" and regulations in the heading.

**Section 1236. Reports of Violations of Regulations:** The Department is correcting statutory citations and adding the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 13. Poultry Meat Inspectors:** The Department is renumbering this article to Article 11.

**Section 1237. Designation of Minimum Number of Inspectors:** The Department is repealing this section as it is no longer necessary.

**Section 1238. Poultry Meat Inspectors to Have Right of Access to Plants at Any Reasonable Time:** The Department is adding the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1239. Identification of Poultry Meat Inspectors:** No changes to the heading.

**Subsection (a):** This subsection clarifies that each licensed poultry meat inspector must have his or her identification card available to present to a Department employee upon request, and contains minor wording changes for clarity purposes.

**Subsection (b):** The Department is codifying the existing requirement that a person that is renewing his or her license as a poultry meat inspector must complete training provided by the Department. Upon issuance of the renewal certificate, the licensee must post the certificate in a visible location at the poultry plant where they are employed. The dates and locations of training vary throughout the state, therefore, the Department provides current training information throughout the year to licensees. It is the licensee's responsibility to attend one of the training courses scheduled in various locations throughout the state each year.

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1240. Interference with or Abuse of Poultry Meat Inspectors:** This section updates terminology to reference the "Department", and adds the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1241. Duties and Conditions of Employment of Poultry Meat Inspectors:** No changes to the heading are proposed.

**Subsections (a) and (b):** These subsections contain technical amendments for clarity purposes, and to update terminology.

**Subsection (c):** No changes are proposed.

**Subsection (d):** This subsection is stricken as it is no longer necessary.

**Subsection (e):** This subsection is relettered to (d) and contains technical amendments to ensure that the owner or operator of each official establishment provide the adequate time and resources and authority for licensed poultry meat inspectors to conduct their inspections and other duties as established by regulation.

**Subsection (f):** This subsection is stricken as it is no longer necessary.

**Subsection (g):** This subsection is relettered to (e) and includes a change from the word "plant" to "establishment" to update terminology for consistency in this section.

**Subsection (h):** This subsection is stricken as the requirements are now under sections 1209 and 1209.1 of this proposal.

**Subsections (f)(1), (2), (3), (4), (5), (6) and (7):** These subsections are added to specify the types of inspections that will be conducted at each establishment where a licensed poultry meat inspector is employed.

**Note:** The Department is adopting the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1242. Hours of Operation at Poultry Plants:** The Department is incorporating by reference MPI Form 79-038, Schedule of Operations (Rev. 03/06). This section also updates terminology for clarity purposes, and includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 14. Marking Receptacles and Tagging Unsanitary Equipment:** This heading is renumbered from Article 14 to read Article 12.

**Section 1243. Trucks and Receptacles and Tagging Unsanitary Equipment:** No changes to this section accept the Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1244. Tagging Unsanitary Equipment, Utensils, Rooms or Compartments:** The Department is making technical amendments to this section for clarity purposes. It specifies the procedures for attaching and removing the "State of California Rejected/Retained" tags that are attached to equipment or rooms where animal products are handled. The use of the State of California Rejected/Retained tags is described in section 1200 (Definitions) of this proposal. The Department is also adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 15. Ante-Mortem Inspection:** The Department is renumbering this article to Article 13.

**Section 1245. Ante-Mortem Inspection When Required and Where:** This section was based upon 9 CFR sections 381.70 and 381.71 (2007). The Department is making the necessary changes to conform federal requirements to state standards for establishments that are exempt from USDA inspection, yet require state inspection. The Department is adding its terminology, section citations, and referencing the handling of condemned carcasses and parts according to section 1254 of this proposal. The Department is also adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1245.1. Segregation of Suspects on Ante-Mortem Inspection:** This section was based upon 9 CFR section 381.72 (2007). The Department is making the necessary changes to conform federal requirements to state standards for establishments that are exempt from USDA inspection, yet require state inspection. The Department is also adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.



**Section 1245.2. Segregation of Diseased Poultry:** The Department is incorporating by reference 9 CFR section 381.73 (2007). The Department is not adopting the federal heading in this instance as the Department does not use the term "quarantine" for diseased poultry. Also, Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1245.3. Poultry Suspected of Having Biological Residues:** This section was based upon 9 CFR section 381.74 (2007), making the appropriate changes for compliance and consistency with state inspection requirements. Also, Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1245.4. Poultry Used for Research:** This section was based upon 9 CFR section 381.75 (2007). The difference between the state and federal requirements is that the Department will make the determination of whether to approve of poultry for research purposes for state-inspected poultry establishments.

**Article 15.1. Humane Slaughter of Poultry:** The Department is renumbering this article to read Article 14. The Department's regulations specify the requirements for the humane slaughter of poultry as the federal Humane Slaughter Act does not include poultry.

**Section 1245.1. General Provisions:** This Department is renumbering this section to read 1246, and is adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.2. Definitions:** The Department is renumbering this section to read 1246.1 and is adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.3. Handling of Poultry for Slaughter:** The Department is renumbering this section to read 1246.2. This section also contains technical amendments for consistency with terminology used in this proposal. The Department is also adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.4. Method of Humane Slaughter of Poultry:** The Department is renumbering this section to read 1246.3. The Department is updating the methods of humane slaughter in this section in subsections (a)(1) and (e). The Department is also adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.5. General Requirements for Gas Chambers and Auxiliary Equipment; Operator; Facilities and Procedures:** This section is renumbered to section 1246.4. It includes technical amendments to update the requirements for the use of gas chambers and equipment. This section also incorporates by reference section 5155 of Title 8 of the California Code of Regulations. The Department is also adding section 5155 to its reference citations.

**Section 1245.6. Administration of Carbon Dioxide and Argon Gas; Required Effect; Handling:** The Department is amending the heading to read section 1246.5, and adding the word "nitrogen" to the heading. This section includes technical amendments to update the requirements for the use of carbon dioxide, nitrogen and argon gas, updates the section references, and includes section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.7. General Requirements for Electrical Stunning or Slaughter with Electric Current:** The Department is renumbering this section to read 1246.6 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.8. Electrical Stunning:** The Department is renumbering this section to read 1246.7 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.9. Electrocuting to Cardiac Arrest:** The Department is renumbering this section to read 1246.8 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.10. Captive Bolt:** The Department is renumbering this section to read 1246.9 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.11. Cervical Dislocation:** The Department is renumbering this section to read 1246.10 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.12. Carotid Artery Severance:** The Department is renumbering this section to read 1246.11 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.13. Decapitation:** The Department is renumbering this section to read 1246.12 and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.14. Training:** The Department is renumbering this section to read 1246.13, changing the word "paragraph" to "subsection", and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.15. Tagging of Equipment, Cages, Pens or Compartments to Prevent Inhumane Slaughter or Handling in Connection With Slaughter:** The Department is renumbering this section to read 1246.14, making technical changes in terminology for consistence and clarity purposes, and adding section 407 (Food and Agricultural Code) to the authority citations.

**Section 1245.16. Ritualistic Slaughter:** The Department is renumbering this section to read 1246.15. The Department is expanding its requirements in this section for a person operating a licensed official slaughter establishment to apply for certain exemptions based upon their religious beliefs. The amendments in this section are consistent with the requirements of the USDA, Food Safety and Inspection Services, Directive 6030.1,

Revision 1, dated August 10, 2005, Religious Exemption for the Slaughter and Processing of Poultry, and 9 CFR sections 381.11, 381.12 and 381.13 (2007). The Department is also adding section 407 (Food and Agricultural Code) to the authority citations.

**Article 16. Post Mortem Inspection:** The Department is renumbering this article to read Article 15.

**Section 1246. Extent and Time of Post-Mortem Inspection:** The Department is renumbering this section to read 1247.

**Subsection (a):** The Department is expanding this subsection for consistency with 9 CFR section 381.76(a) (2007).

**Subsections (b) and (c):** No changes are proposed.

**Subsection (d):** This subsection contains grammatical and terminology changes consistent with California standards. Also added is the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1247. Abdominal and Thoracic Viscera and GIBLETS to Be Removed:** This section is renumbered to section 1247.1. The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1248. Technique of Inspection:** This section contains a nonsubstantive technical correction and includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1249. Disposal of Diseased Carcasses and Parts:** The Department is adding the word "establishment" for consistency with federal terminology and adding the word "inspector" for clarity purposes. It also specifies, for clarity purposes, that the Department may take a specimen from a carcass and send it for laboratory analysis if there is doubt as to a disease condition of the carcass. This section also adds the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1250. Diseases and Conditions Requiring Condemnation of Affected Carcasses:** This section includes a wording change to add "establishment" regarding slaughter plants for consistency with federal terminology. This section also adds the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1251. Diseases Requiring Condemnation of Carcasses or Parts, Exceptions:** Again the Department is making only minor grammatical and subsection designation changes, and adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1252. Conditions Affecting Soundness, Requiring Condemnation of Carcasses or Parts:** No changes to the heading.

**Subsections (a) through (g)** contain nonsubstantive grammatical changes.

**Subsections (h) and (i)** are added by the Department based upon 9 CFR section 381.91(b)(1) and the first part of (b)(2). The requirements are needed to specify the handling of the carcasses of poultry contaminated during slaughter for specified reasons. The Department is also adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1253. Livers Affected with Abnormal Conditions: Disposal:** This section only contains a nonsubstantive grammatical change in subsection (a)(11), and the Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 17. Denaturing and Disposing of Condemned Carcasses and Products:** The Department is renumbering this article to Article 16.

**Section 1254. Disposition of Condemned Poultry Meat or Product:** This section contains updated terminology for clarity and consistency purposes. The Department is also adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 18. Marking and Identifying Poultry Meat and Products:** The Department is renumbering this article to Article 17.

**Section 1255. Approval of Abbreviations and Marks of Inspection:** This section contains updated terminology for clarity and consistency purposes and contains subsections designation changes. Subsections (c)(1 and (2) are added to show the requirements for the marking of California-inspected and passed poultry carcasses and parts. It identifies the approved labels for state-inspected poultry products. Also, the Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 19. Labeling:** The Department is renumbering this article to Article 18.

**Section 1256. Marking and Labeling Inspected Products:** No changes to the heading.

**Subsection (a):** This subsection contains a grammatical change.

**Subsection (b):** This subsection contains updated terminology for clarity and consistency purposes and incorporates by reference the Department's MPI Form 79-080, Label and Formulation Approval (Rev. 12/04).

**Subsections (c) and (c)(1) through (6):** This subsection contains updated terminology changes and reflects numbering changes.

**Subsection (d):** No changes are proposed.

**Subsection (e):** This subsection includes terminology and numbering changes for clarity and consistency purposes.

**Subsection (f):** This subsection is stricken as it contains outdated information regarding trade labels.

**Subsection (g):** This subsection is relettered to (f). Subsections (f)(1) and (2) contain no proposed changes.

**Subsection (h):** This subsection is relettered to (g) and contains updated terminology for clarity and consistency purposes.

**Subsection (i):** This subsection is relettered to (h) and contains updated terminology for clarity and consistency purposes.

**Subsection (j):** This subsection is relettered to (i) and contains article numbering corrections.

**Subsection (k):** This subsection is relettered to (j) and contains article numbering corrections.

**Note:** The Department is adding the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1257. Removal of Official Identification:** This section contains updated terminology. It also specifies that the removal of any official identification from poultry containers pertain only to USDA or California-inspected products received at official establishments. This section also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1258. Relabeling Product - Requirements Regarding:** This section contains updated terminology for clarity and consistency purposes. It also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1259. Rescindment of Label Approvals:** This section contains a grammatical correction, updated terminology, and adds the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 20. Reinspection and Preparation of Products:** The article heading is renumbered to Article 19.

**Section 1260. Reinspection of Products:** This section contains grammatical and updated terminology changes. It also adds the *Note* portion to this section to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1260.1. Standards for Poultry Meat Food Products:** This section deletes an outdated statutory reference, includes grammatical changes, and amends the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1260.2. Preparation and Processing Operations for Poultry Products:** The Department is adding this section to incorporate by reference section 900 et seq., of Title 3 of the California Code of Regulations. There are various requirements throughout that portion of the regulations, and the Department does not believe it is necessary to repeat those requirements in this proposal.

**Article 21. Samples for Laboratory Examination:** This article is renumbered to Article 20.

**Section 1261. Samples of Products, Water, etc., May Be Taken for Examinations:** This section contains updated terminology changes for clarity and consistency purposes. It also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 22. Canning:** This article is renumbered to Article 21.

**Section 1262. Poultry Meat Food Products for Canning:** No changes to the heading.

**Subsections (a) through (f)** contain grammatical changes and updated terminology for clarity and consistency purposes.

**Subsections (g)(1) and (2)** are stricken as they contain outdated canning processes.

**Subsection (h)** is relettered to (g). Also, the *Note* portion is added to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 23. Preparation of Uninspected Articles:** This article is renumbered to Article 22.

**Section 1263. Preparation of Animal food or Similar Uninspected Articles in an Official Plant:** The heading and section contains updated terminology changes for clarity and consistency purposes. Also, the *Note* portion is added to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 24. Tagging Chemicals, etc., "Retained":** The heading is renumbered to Article 23 and includes updated, corrected terminology to read "State of California Rejected/Retained" as the correct tags used by California state inspectors.

**Article 25. Products for Other Uses:** This article is renumbered to Article 24.

**Section 1265. Product for Educational Uses, Laboratory Examination, and Other Purposes:** This section contains updated terminology changes for clarity and consistency. It also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 26. Reports:** This article is renumbered to Article 25.

**Section 1266. Reports Required:** This section includes updated terminology for clarity and consistency purposes, deletes outdated statutory references deletes obsolete forms and logs, and incorporates by reference the Department's MPI Form 79-060, Daily Report of Poultry, Rabbits, and Ratites Inspected (Rev. 12/04), and MPI Form 79-061, Monthly Summary of Poultry, Rabbits, and Ratites Inspected (Rev. 12/04). It also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1267. Plants to Furnish Information for Reports:** This section includes updated terminology for clarity and consistency purposes, and adds the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1268. Appeals from Poultry Meat Inspection Actions:** This section includes updated terminology for clarity and consistency purposes, and adds the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 26. Importation of Poultry Meat into California:** The Department is adopting a new article heading to read "Importation of Poultry Meat into California" to accurately state the contents of this article.

**Section 1269. Requirements for the Importation of Poultry Products:** The Department is adopting a new section for the importation of poultry products into California.

**Subsections(a), (b) and (c):** The requirements for the importation of poultry into California are specified in statute. Therefore, the Department is referencing the applicable portions of the Food and Agricultural Code in these subsections.

**Subsections (c)(1)(A) through (H):** The Department is specifying the information needed from a person importing poultry products into California to implement the portions of the Food and Agricultural Code cited in section 1269.

**Note:** The Department is adding the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1269.1. Inspection of Imported Products:** The Department is adding a new section to reference the appropriate sections of the Food and Agricultural Code, which

are used as a basis for state-inspections of imported poultry products. This section also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1269.2. Renewal of the Approval of Imported Poultry Products into California:** This section is needed to provide poultry importers with the criteria for continued or renewed approval to import poultry products into California. This section also includes the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Article 30. New York Dressed Fowl:** The former article had been repealed.

**Article 27. Processing New York Dressed Poultry:** The Department is adding a new Article 27 to clarify the requirements for processing New York dressed poultry as defined in this article.

**Section 1271. New York Dressed Fowl:** This heading had been repealed. The Department is replacing it with "Requirements for Processing New York Dressed Poultry."

**Subsection (a)** references Food and Agricultural Code sections 24656 and 25407, which provide the definition for New York dressed "fowl", however, "poultry" is the term used in this proposal. Both terms are defined in section 1200 of this proposal.

**Subsection (b)(1) through (5):** The Department is specifying the requirements for a person operating a licensed poultry plant to process New York dressed poultry. "New York dressed" is a term for poultry that has been in use since the early 1900's. It is poultry that is "rough plucked," and sold by weight without having the entrails, head, or feet removed. The Department requirements pertain to producers selling meat directly to customers, for example, at a farmers' market, or custom poultry processing plants that supply regional markets.

**Article 28. State and Food Drug Laws:** No changes to the heading.

**Section 1269. Food and Drug Acts:** The Department is renumbering this section to section 1272 and updating the statutory reference to ensure the Department's regulations do not conflict with the Health and Safety Code. Also, the Department is adding the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.

**Section 1270. Facsimile of Tags to Be Used by Poultry Meat Inspector:** The Department is renumbering this section to read 1272.1, and it includes updated terminology for clarity and consistency purposes, updates the tags used by Department inspectors, and adds the *Note* portion to specify the authority and reference citations in compliance with Government Code section 11349.1.



## **Underlying Data**

Any references in this proposal to any state or federal publications, statutes and/or regulations may be found on the Internet, college, state or county libraries, or by contacting the Department of Food and Agriculture. The following regulations, forms, and documents are incorporated by reference in this proposal. Copies of the documents are included in this filing and are available to the public upon request.

1. 9 CFR sections 307.1 and 307.2 (2007).
2. 9 CFR section 381.73 (2007),
3. 9 CFR Part 416 (2007).
4. 40 CFR Part 141 sections 141.1, 141.2, 141.3, 141.4, 141.5, 141.6, 141.11, 141.13, 141.21, 141.22 and 141.23 (2007).
5. MPI Form 79-003A Poultry Plant License Application (Rev. 12/04).
6. MPI Form 79-009A Poultry Meat Inspector License Application (Rev.12/04).
7. MPI Form 79-025 Request for Survey for State Meat and Poultry Inspection (Rev. 12/04).
8. MPI Form 79-032 Plant Improvement Program (Rev. 12/04).
9. MPI Form 79-038 Schedule of Operations (Rev. 12/04).
10. MPI Form 79-039 General Facility Notes (Est. 04/05).
11. MPI Form 79-060 Daily Report of Poultry, Rabbits, and Ratites Inspected (Rev. 12/04).
12. MPI Form 79-061 Monthly Summary Poultry, Rabbits, and Ratites Slaughtered, Inspected, and Processed (Rev. 12/04).
13. MPI Form 79-080 Label Formulation and Approval (Rev.12/04).
14. Poultry Plant Plan Guidelines (Rev. 05/05).
15. Poultry Plant Construction and Equipment Guidelines (Rev. 05/05).
16. Poultry Meat Inspector Training Manual (10/95).
17. 2007 California Building Code, Title 24, Part 2, Volume 1, Sections 1240, 1241, 1242, and 1243.
18. State of California Rejected/Retained Tag (Red).
19. State of California Rejected/Retained Tag (Green).
20. Title 8, California Code of Regulations, section 5155 w/appendix, relating to airborne contaminants.
21. 9 CFR sections 381.11, 381.12, and 381.13 (2007); USDA FSIS Directive 6030.1, Revision 1, August 10, 2005.
22. The Sherman Food, Drug, and Cosmetic Laws, Part 5, Division 104, Health and Safety Code

## **Business Impact**

This proposed regulatory action would not result in any significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

## **Specific Technologies or Equipment**

This proposal does mandate the use of specific technologies or equipment; however, the requirements are consistent with federal regulations for the meat and poultry industries in accordance with sections 19502, 24561 and 24562 of the Food and Agricultural Code.

## **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department of Food and Agriculture would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

